

Faxed to 571-273-8300 on 09/14/2005

Docket No. BOESJES5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Boesjes et al

Art Unit: 3627

Filed: 06/26/2001

Examiner: Joseph A Fischetti

App. No.: 09/893,293

For: Systems and methods for acquisition,
evaluation, inventory, distribution,
and/or re-sale of pre-owned recorded
data products

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ELECTION UNDER 37 CFR §1.142

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

09/14/2005

Sir:

In response to the Office Action dated 07/18/2005, Applicants hereby makes their election. Reexamination and reconsideration of the application are hereby respectfully requested.

A shortened statutory period for reply expired 08/18/2005. Accordingly, this submission is timely filed with a petition for a one-month extension of time and the required petition fee submitted herewith. This submission was transmitted earlier in the day, however, the petition for the extension of time was inadvertently omitted. The current transmission is a duplicate of the earlier one, with the extension of time included. Applicants' Agent regrets any inconvenience or confusion this may have caused.

Claims 133-153 remain pending and under consideration. Claims 133, 140, and 147 are independent claims. Claims 1-132 were previously cancelled.

It is asserted in the Office Action that the application includes claims directed to two distinct inventions:

Invention I (Claims 133-136 and 140-153 drawn to erroneously read data using correction codes; and

Invention II (Claims 137-139) drawn to a scanning to track information scheme.

Applicants hereby elect Invention I (Claims 133-136 and 140-153), with traverse.

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Election under 37 CFR §1.421

It is asserted in the Office Action that Invention I and II are related as subcombinations disclosed usable together in a single combination, and that Invention II has separate utility such as a ticket acceptor for an event venue.

Applicants respectfully submit that the methods recited in Claims 137-139 could not be used as a ticket acceptor for an event venue. None of the method steps recited in Claims 137-139 are even tangentially applicable to a ticket acceptor for an event venue. The recited methods include steps for prompting a user to scan various information from a music CD into a product information database. How can these steps be applied for accepting tickets at an event venue?

Applicants respectfully request withdrawal of the restriction requirement and rejoinder of Inventions I and II.

It is respectfully submitted that Claims 133-153 are in condition for allowance. Allowance of Claims 133-136 and 140-153, and rejoinder and allowance of Claims 137-139, at an early date are earnestly solicited.

Respectfully submitted,

/David S Alavi/

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